

54TH REGULAR SESSION

HOUSE JOINT RESOLUTIONS

PROPOSED CONSTITUTIONAL AMENDMENT—DENIAL
OF BAIL

H. J. R. No. 9

Proposing an Amendment to Section 11 of Article I of the Constitution of the State of Texas by adding a new subsection to be designated as Section 11a, relating to denial of bail to a person charged with a felony less than capital who has been theretofore twice convicted of a felony; providing for the submission of the proposed Amendment to a vote of the people and for proclamation and publication thereof.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 11 of Article I of the Constitution of the State of Texas be amended by adding a subsection thereto to be known as Section 11a and to read as follows:

"Section 11a. Any person accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor may, after a hearing, and upon evidence substantially showing the guilt of the accused, be denied bail pending trial, by any judge of a court of record or magistrate in this State; provided, however, that if the accused is not accorded a trial upon the accusation within sixty (60) days from the time of his incarceration upon such charge, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1956, at which election all ballots shall have printed thereon the following:

"FOR the amendment to the Constitution of the State of Texas providing that a court, judge or magistrate may deny bail to a person who has been convicted of two (2) previous felonies."

"AGAINST the amendment to the Constitution of the State of Texas providing that a court, judge or magistrate may deny bail to a person who has been convicted of two (2) previous felonies."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State.

Passed the House, March 29, 1955: Yeas 126, Nays 14; House concurred in Senate amendments, May 11, 1955: Yeas 127, Nays 9; passed the Senate, as amended, May 10, 1955: Yeas 26, Nays 3.

Approved May 31, 1955.

Filed with the Secretary of State, June 1, 1955.